

## Update: Michigan Circuit Court Benchbook

### CHAPTER 3

#### Civil Proceedings

#### Part I—Pleadings, Parties, and Commencement of Action (MCR Subchapters 2.000 and 2.200)

##### 3.1 Jurisdiction and Venue

###### E. Constitutional Limitations

Insert the following text after the last paragraph before sub-section (F) on page 134:

Where personal jurisdiction is conferred pursuant to a forum selection clause, and where the inconvenience of litigating in another forum is apparent at the time of contracting, that inconvenience is part of the bargain negotiated by the parties and will not render the forum selection clause unenforceable. *Turcheck v Amerifund Financial, Inc.*, \_\_\_ Mich App \_\_\_ (2006).

###### G. Standard of Review

Insert the following text after the October 2006 update to page 135:

A trial court's dismissal of an action pursuant to a contractual forum-selection clause is reviewed de novo on appeal. *Turcheck v Amerifund Financial, Inc.*, \_\_\_ Mich App \_\_\_ (2006).

### 3.24 Summary Disposition

#### D. Standards of Review

##### 6. (C)(6): Action Exists Between the Same Parties

Insert the following case summary at the end of the text in this section, at the top of page 177:

The other action initiated between the parties need not be filed within the Michigan courts or within the federal courts located in Michigan in order for summary disposition under MCR 2.116(C)(6) to be proper. *Valeo Switches & Detection Systems, Inc v Emcom, Inc*, \_\_\_ Mich App \_\_\_(2006).

## CHAPTER 4

### Criminal Proceedings

#### Part II—Pretrial Motions and Proceedings (MCR Subchapters 6.000 and 6.100)

#### 4.21 Search and Seizure Issues

##### E. Was a Warrant Required?

##### Investigatory Stop (“Terry Stop”)

Insert the following text on page 341 immediately before the beginning of sub-subsection (5):

See also *United States v Long*, \_\_\_ F3d \_\_\_ (CA 6, 2006) (contraband was properly seized when it was discovered after an officer lawfully stopped the defendant based on information received from an anonymous caller, where the police knew the caller’s address and the police pulled up in front of the caller’s house while the 911 call was still ongoing).